

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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REINA A. CAMACHO,

Plaintiff,

**ORDER**

-against-

**21-CV-5811 (JW)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**JENNIFER E. WILLIS, United States Magistrate Judge:**

On October 28, 2022, Defendant filed a Motion for Alteration, Amendment, or Clarification of the Court’s September 30, 2022 Judgment. Dkt. No. 32 (“Motion” or “Mot.”). In the Motion, the Commissioner made two requests: first, “that the Order, which is expressly incorporated by the Judgment, be altered, amended, or otherwise clarified inasmuch as it suggests that the ALJ, on remand, is required to assign a specific level of weight to medical opinions;” and second, that the Court clarify “its conclusion that the ALJ is required to re-evaluate an opinion from Dr. Jamie Gutierrez.” Mot. at 2.

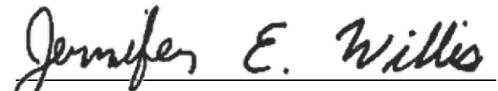
For the first issue raised, the Court did not require the ALJ to assign specific weight to any opinions on remand. Rather, the Court found that the Decision lacked sufficient information regarding the analysis of medical opinions for the Court to adequately review whether the ALJ in fact analyzed the persuasiveness of the medical opinions; in particular, whether the ALJ had considered the crucial factors of supportability and consistency. In line with this, the Court clarifies that the ALJ should “evaluate the persuasiveness of the medical opinion(s) or prior administrative

medical finding(s) and explain how she considered the supportability and consistency factors, which are the two most important factors in determining the persuasiveness of a medical opinion or a prior administrative medical finding.” See Mot. at 4. The ALJ should do so consistent with all applicable regulations.

As for the second issue, the Court clarifies that “to the extent the record contains any other medical opinions, from Dr. Gutierrez or any other source, on remand the ALJ should evaluate the persuasiveness of those opinions pursuant to the applicable regulation.” See Mot. at 6.

SO ORDERED.

DATED: New York, New York  
December 5, 2022

  
JENNIFER E. WILLIS  
United States Magistrate Judge